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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

**NATHAN MONSON**

Case No. 6:22-cv-00604-AA

Plaintiff

**SECOND AMENDED  
COMPLAINT**

vs

**STATE OF OREGON *et al.***

Post-Discharge Discrimination  
(ORS 659A.030(1)(f))

Defendants

DEMAND FOR JURY TRIAL

1.

## **JURISDICTION AND THE PARTIES**

On December 4, 2021, plaintiff provided a timely written notice of claim to defendants as required by ORS 30.275. On April 18, 2022, plaintiff filed this complaint against defendants in Oregon state court. On April 22, 2022, defendants voluntarily removed this action to federal court.

2.

This Court has jurisdiction under 28 USC § 1367. Venue is appropriate in the District of Oregon under 28 USC § 1391(b) because plaintiff's claim arose in this judicial district. Divisional venue is appropriate in the Eugene Division of the District of Oregon under LR 3-2(b) because a substantial part of the events or omissions giving rise to plaintiff's claim occurred in Marion County.

3.

Plaintiff Nathan Monson is a "person" under ORS 659A.001(9).

4.

Defendants Floyd Prozanski, Chuck Thomsen, Julie Fahey, Ron Noble, Jessica Knieling, and State of Oregon are "persons" under ORS 659A.001(9). Defendant State of Oregon was plaintiff's "employer" under ORS 659A.001(9) from April of 2021 to June of 2021.

**5.**

**FACTUAL ALLEGATIONS**

From April of 2021 to June of 2021, plaintiff engaged in protected activity and reported to the State of Oregon information in good faith that he believed was evidence of a violation of a state or federal law, rule or regulation, including abuses of power, mismanagement, sexual harassment, gender discrimination, discrimination in a place of public accommodation, gross waste and other misconduct.

**6.**

Defendants discriminated against plaintiff post-discharge, including by publishing negative information about him, in substantial part because plaintiff had engaged in protected activity. Defendants' discrimination caused plaintiff noneconomic damages including emotional distress in amounts to be proved at trial.

**7.**

**CLAIM FOR RELIEF**

As alleged in this complaint, defendants failed to comply with ORS 659A.030(1)(f) by discriminating against plaintiff post-discharge in substantial part because plaintiff engaged in protected activity. Accordingly, plaintiff seeks a determination of liability, noneconomic damages in amounts to be decided by the jury to be reasonable, and attorney fees and costs under ORS 659A.885 and ORS 20.107.

8.

Request for jury trial.

9.

**PRAYER**

Plaintiff seeks relief against defendants as stated above, and for post-judgment interest, and for any other relief the Court may determine is fair.

May 16, 2023

**RESPECTFULLY FILED,**

s/ Michael Fuller

**Michael Fuller, OSB No. 09357**

Lead Trial Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I certify that I caused this document to be served on all parties through the CM/ECF filing system.

May 16, 2023

s/ Michael Fuller

**Michael Fuller, OSB No. 09357**

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